

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Serial No.: 10/051,719

Confirmation No.: 8633

Filed: 16 January 2002

For: ANTISEPTIC COMPOSITIONS AND METHODS

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**Remarks**

The Final Office Action mailed 26 August 2005 has been received and reviewed. Claims 2-7, 9, 10, 14, 15, 17, 19-22, 25-29, 37, 39-43, 54, and 58 having been amended, claims 1, 13, 38, 44-53, and 57 having been canceled, the pending claims are 2-12, 14-37, 39-43, 54-56, and 58-63. Reconsideration and withdrawal of the rejections are respectfully requested.

**Interview Summary Record**

Applicants thank Examiners Choi and Padmanabhan for the courtesy extended in the telephone interview dated 26 October 2005 with Ann Muetting (Applicants' Representative) and Matt Scholz and Dan McIntyre (both via telephone). During the interview potentially allowable subject was discussed. It was agreed that amendments presented herein would be submitted by Applicants and considered by the Examiner.

**Obviousness-Type Double Patenting Rejection**

Claims 1-21, 25-30, 37-39, 41-43, and 54-63 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 16-25, 27, 29-44, and 47-60 of copending Application No. 10/922,262 or claims 1-7, 16-25, 27, 29-44, and 47-59 of U.S. Patent No. 6,838,078 in view of Kross et al. (U.S. Patent No. 5,618,841), Brink et al. (U.S. Patent No. 5,173,291) and Beach (U.S. Patent No. 3,380,923) in further view of Talwalker et al. (U.S. Patent No. 5,462,714) and Richter et al. (U.S. Patent No. 6,379,685) in further view of Samour et al. (U.S. Patent No. 5,807,957). Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

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**The 35 U.S.C. §103 Rejection**

The Examiner rejected claims 1-21, 25-30, 37-39, 41-43, and 54-63 under 35 U.S.C. §103(a) as being unpatentable over Kross et al. (U.S. Patent No. 5,618,841) in view of Brink et al. (U.S. Patent No. 5,173,291) and Beach (U.S. Patent No. 3,380,923), in further view of Talwalker et al. (U.S. Patent No. 5,462,714) and Richter et al (U.S. Patent No. 6,379,685) in further view of Samour et al. (U.S. Patent No. 5,807,957). This rejection is respectfully traversed and rendered moot in view of the amended claims. Applicants reserve the right to present arguments in a continuing application for patentability of the previously pending claims.

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Summary

It is respectfully submitted that the pending claims 2-12, 14-37, 39-43, 54-56, and 58-63 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
Matthew T. SCHOLZ et al.

By  
Mueeting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612) 305-1220  
Facsimile: (612) 305-1228

November 4, 2005  
Date

By: Ann M. Mueeting  
Ann M. Mueeting  
Reg. No. 33,977  
Direct Dial (612) 305-1217

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of November, 2005, at 4:40 pm (Central Time).

By: Deb Schurmann  
Name: Deb Schurmann